

## **REMARKS**

### **I. General**

Claims 1 – 27 are presently pending in the application. The issues in the current Office Action are as follows:

- Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,178,432 to Cook et al. (hereinafter “Cook”).

Applicants hereby traverse the rejections and requests reconsideration and withdrawal in light of the amendments and remarks contained herein.

### **II. Claim Amendments**

Claims 1, 2, 5, 6, 9, 10, 12, 13, 16, 20, 21 and 24 have been amended to more clearly define the invention and its embodiments. Specifically, the amendments seek to highlight the aspect of the invention that defers instantiation of interface elements. Additionally, applicant would like to make clear that instantiation makes it possible for a user to see interface elements previously not instantiated (and thus invisible) or rendered onto the computer display. As such, the rejected claims are not merely directed to cause a previously invisible element to become visible. The following disclosure from paragraph [0026] explains one example of this aspect of the invention:

Therefore, any children that descriptor node 206 may have are not instantiated when the user is viewing the first view of the tabbed pane represented by descriptor nodes 203, 205, 207 and 208. This delaying or deferring the instantiation of the hidden object descriptors in such stacked navigation objects saves processing time and increases the speed with which the application is rendered and displayed to the user.

Support for the amendment to the claims may be found at least at paragraphs [0008], [0009] and [0021] to [0024], [0026] and [0028]. Thus, no new matter was added.

### III. Claim Rejections Under 35 U.S.C. § 102(b) Rejection (Cook)

Claims 1 – 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cook. In order for a claim to be anticipated under 35 U.S.C. § 102, “[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Moreover, “unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc. v. Verisign, Inc.*, No. 07-1565 (Fed. Cir. 2008). Applicant discusses below why Cook does not anticipate the current claims.

#### A. **Claims 1, 9, 12 and 20**

Claim 1, as amended, recites,

creating one or more hidden descriptor nodes in said descriptor tree describing said one or more interface elements not instantiated at said beginning, wherein said hidden descriptor nodes are responsive to a user navigating to said one or more hidden interface elements and wherein said responsiveness includes instantiating said interface elements not instantiated at said beginning . . . .

Claim 9, as amended, recites, “wherein each of said plurality of stacked descriptor nodes describes said interface element not instantiated and invisible to said user on said currently visible pane of said RIA and associated with said subsequent pane . . . .” Claim 12, as amended, recites, “code for creating one or more stacked descriptor nodes in said descriptor tree describing said unseen ones of said plurality of stacked interface elements responsive to a user navigating to said unseen ones, wherein said unseen ones are not instantiated at said starting. . . .”

And, claim 20, as amended, recites,

means for creating a plurality of hidden descriptor nodes in said descriptor tree describing ones of said plurality of interface

elements not instantiated at said initial accessing, wherein said hidden descriptor nodes are responsive to a user navigating to said one or more of said ones not instantiated at said initial accessing, wherein said responsiveness includes instantiating said interface elements not instantiated at said beginning. . . .

Cook does not teach the above limitations of claims 1, 9, 12 and 20. These limitations of the claims require that, initially, some interface elements are not only hidden, they are not even instantiated. The claimed descriptor nodes describe these uninstantiated interface elements. In contrast, Cook merely teaches displaying or hiding objects that have already been instantiated. Abstract; col. 2, lines 61 – 67. Cook provides:

An object in the visible state is displayed and an object in the hidden state is not displayed. Subsets of objects are associated together in structures so that the state of any object within the structure is dependent on the states of other objects within the structure. The plurality of objects and the structures are placed into an hierarchy in a way which causes certain objects and structures in the hierarchy to be layered on top of other objects and structures in the hierarchy. Abstract

Thus, the objects to be displayed (or hidden) in Cook reside in an hierarchial structure and a user navigates from one layer of visible instantiated objects to another layer of hidden instantiated objects. Such navigation merely uncovers or hides existing or instantiated objects. In contrast, embodiments of the current invention requires descriptor nodes to be in a descriptor tree or to be stacked. A user may navigate the descriptor nodes of the descriptor tree. As described in paragraphs [0009] and [0022], the descriptors merely contain descriptions of an object—the descriptors are not the objects themselves. Navigating to particular nodes of the descriptor tree causes the instantiation of interface elements not previously instantiated. Cook, therefore, does not teach the limitations pertaining to deferred instantiation of the claims.

Because Cook does not teach the identical invention as provided in the claims, including the limitations pertaining to deferred instantiation in the claims, Cook does not anticipate claims 1, 9, 12 and 20. Accordingly, Applicant respectfully requests that Examiner withdraws the rejection, under 35 U.S.C. § 102(b), of claims 1, 9, 12 and 20.

**B. Claims 2 – 8, 10, 11, 13 – 19 and 21 – 27**

Claims 2 – 8 depend from claim 1 and inherit all the limitations of claim 1. Claims 10 and 11 depend from claim 9 and inherit all the limitations of claim 9. Claims 13 – 19 depend from claim 12 and inherit all the limitations of claim 12. Claims 21 – 27 depend from claim 20 and inherit all the limitations of claim 20. As discussed above, Cook does not teach all the limitations of claims 1, 9, 12 and 20. At least for these reasons Cook does not teach all the limitations of claims 2 – 8, 10, 11, 13 – 19 and 21 – 27. Therefore, Cook does not anticipate claims 2 – 8, 10, 11, 13 – 19 and 21 – 27. Accordingly, Applicant respectfully request the Examiner withdraws the rejections, under 35 U.S.C. § 102(b), of claims 2 – 8, 10, 11, 13 – 19 and 21 – 27.

**IV. Conclusion**

In view of the above, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. M074 from which the undersigned is authorized to draw.

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Respectfully submitted,

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